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February 24, 2006

Mr. Walter D. Cruickshank  
Acting Director  
U.S. Department of the Interior  
Minerals Management Service  
Rules Processing Team (RPT)  
381 Elden Street, MS-4024  
Herndon, VA 20170-4817

RE: Alternative Energy-Related Uses on the Outer Continental Shelf  
Regulation Identifier Number 1010-AD30

Dear Mr. Cruickshank:

These comments are in response to the Advance Notice of Proposed Rulemaking regarding alternate energy-related uses on the Outer Continental Shelf (OCS). While reference is made primarily to wind energy, the comments are intended to apply to other forms of alternate energy that fall within the authority of the Minerals Management Service (MMS).

By way of a general comment, stakeholder involvement and consultation will be a crucial part of any new regulatory regime on the OCS. Fortunately, the MMS has already established a venue and mechanism where industry, state and local governments, environmental interests and other interested parties can meet together to discuss and resolve potentially contentious issues: the OCS Policy Committee.

Similarly, the necessary input from the scientific community and the funding of environmental studies deemed necessary by the MMS and stakeholders could, it seems, be handled under the auspices of the OCS Scientific Committee and the Environmental Studies Program.

My comments, accordingly, are based on the principle of using existing mechanisms and procedures for consultation and deliberation that have served the MMS well for oil and gas. Broadening the discussion within the Policy and Scientific Committees to include offshore renewables could help set the terms for a lasting, comprehensive energy policy discussion and suggest new directions for policy accounting for the eventual depletion of OCS oil and gas resources.

*Program Area: Access to OCS Lands and Resources*

Identifying geographical areas of interest: The MMS should consult with developers, affected governors, state and local officials, and state agencies to

identify potential lease sale areas based on resource potential, an indication of interest by industry, and an ability to mitigate adverse impacts. There is ample precedent from the OCS oil and gas program for this that would appear easily adaptable to other forms of offshore energy.

I suggest using existing OCS Planning Areas as the primary regional division: the North Atlantic, Mid Atlantic, South Atlantic; the Straits of Florida; the Eastern, Central, and Western Gulf of Mexico; Washington/Oregon; Northern, Central, and Southern California; and the various Planning Areas off the coast of Alaska. This would facilitate the work of the Policy Committee and enable coordination with the oil and gas program. Areas of interest would be defined within these Planning Areas – and areas of potential conflict with existing uses easily and immediately identified, as many have already been assessed and mapped under the oil and gas program.

Broad or targeted approach: The foregoing presumes beginning with a broad approach to developing the program, drawing stakeholders onto the OCS Policy Committee for general discussions about wind energy potential and its likely impacts, and then concentrating on (targeting) ever-smaller areas within the Planning Areas where industry interest seems greatest and where the impacts become a matter of local concern.

*Program Area: Environmental Information, Management, and Compliance*

Assessments and studies of risks and impacts associated with offshore wind energy: Environmental studies will likely be required to assess risks and impacts that are unique to the technology, and those it holds in common with other uses of the OCS. For example, the pre-emption of fishing grounds may be as much a concern for wind energy facilities as it is for OCS oil and gas operations. The extent to which these impacts can be mitigated will be an important determinant of what should be offered for lease.

The Environmental Studies Program has provided useful information to the MMS on risks and impacts from oil and gas, along with baseline studies that have increased our knowledge of the offshore environment tremendously. This seems a logical source for funding studies related to wind energy, allowing a synthesis of information that already exists and identifying what else is necessary to site facilities with confidence.

*Program Area: Operational Activities*

Ensuring human health and safety on and adjacent to the project site: Safety inspection, monitoring and enforcement procedures that appear to work well with OCS oil and gas operations should be extended to wind energy, with appropriate adjustments accounting for differences in technology.

### *Coordination and consultation*

Again, I support using the avenues and mechanisms for coordination that have been used for the oil and gas program to be extended to wind energy. Membership on the OCS Policy Committee should be extended to include a representative of the industry, and representatives of the coastal states impacted by offshore wind energy proposals. Should more focused, regional deliberations be required, the Regional Technical Working Groups used in the past for OCS oil and gas should be revived, with similar stakeholder input and representation.

In the course of outreach to the stakeholders, comments should be invited on which areas of the OCS should be included in the program, and which should be excluded (or deferred, pending receipt of additional environmental or other information). This follows another precedent of the oil and gas program.

My confidence in the adaptability of the regulatory and consultative regimes from the oil and gas program to other forms of offshore energy comes from an acquaintance with them resulting from serving for more than twenty years as an alternate member of the OCS Policy Committee, representing the State of Rhode Island. During that time, I served as Chair of the Subcommittee on Education and Outreach. I am convinced that stakeholder involvement from the earliest stages is necessary for winning public support for offshore alternate energy, assuring the expeditious development of the resource, and minimizing adverse impacts or conflicts with existing uses of the offshore environment. But in pursuit of that goal, there is no need to reinvent the wheel; we should be able to expand what already exists to inform ourselves, consult each other, and regulate wind energy and other emerging technologies reasonably and responsibly.

These comments reflect my own personal opinions, and should not be taken as the official position of the State of Rhode Island. I appreciate the opportunity to offer them to you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bruce F. Vild', with a stylized, cursive script.

Bruce F. Vild, M.S., M.M.A.